

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL F. SCHULZE,
Petitioner,
v.
ATTORNEY GENERAL,
Respondent.

Case No. 2:20-cv-01347-KJD-BNW

ORDER

Petitioner has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Pursuant to Rule 1(b) of the Rules Governing Section 2254 Cases in the United States District Courts ("Habeas Rules"), the court applies the Habeas Rules to this case. The court has reviewed the petition pursuant to Habeas Rule 4. Petitioner will need to file an amended petition to correct some defects.

First, petitioner has named the wrong respondent. The correct respondent is the person who has custody over him. 28 U.S.C. § 2242. If petitioner is in custody at the Nevada Southern Detention Center, then the correct respondent is the warden of that facility. In the amended petition, petitioner will need to name the correct respondent.

Second, it is unclear whether petitioner has filed the petition in the correct venue. On the first page of the petition, he alleges that he is in custody at the Nevada Southern Detention Center in Pahrump, which is within the District of Nevada. ECF No. 1 at 1. However, the envelope he

1 mailed to the court shows a residential address and a postmark of Dinuba, Tulare County,
2 California, which is within the Eastern District of California. Petitioner alleges that he was
3 convicted in the United States District Court for the District of Hawaii, and he claims that he
4 should have been placed in the Residential Drug Abuse Treatment Program of the Federal Bureau
5 of Prisons. If petitioner currently is residing in Dinuba, then the correct venue would be the
6 United States District Court for the Eastern District of California. In the amended petition,
7 petitioner will need to state clearly where he resides. If petitioner is in custody in the Nevada
8 Southern Detention Center, then he will need to file a notice of his correct address.

9 IT THEREFORE IS ORDERED that the clerk of the court send petitioner form AO 242,
10 Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241. Petitioner will have 30 days from
11 the date that this order is entered in which to file an amended petition to correct the noted
12 deficiencies. Failure to comply with this order will result in the dismissal of this action.

13 IT FURTHER IS ORDERED that petitioner must clearly title the amended petition as
14 such by placing the word "AMENDED" immediately above "Petition for a Writ of Habeas
15 Corpus Under 28 U.S.C. § 2241" on page 1. Petitioner also must place the case number, 2:20-cv-
16 01347-KJD-BNW, in the space provided on page 1, even though the form states that the clerk
17 will supply the case number.

18 DATED: July 24, 2020



KENT J. DAWSON
United States District Judge